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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DEAN IRVIN KNUDTSON,

Defendant and Appellant.

B291671

(Los Angeles County
Super. Ct. No. KA117629)

APPEAL from a judgment of the Superior Court of Los Angeles County, Victor D. Martinez, Judge. Affirmed.

Vanessa Place, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Dean Irvin Knudtson pled no contest to sodomy with a person under 18 and contacting a minor with the intent to commit a sexual offense. We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Knudtson met the 17-year-old victim on a social media dating website and engaged in a sexual relationship with him for approximately a year.¹ When the victim's parents discovered email and text correspondence between the victim and Knudtson, they contacted police. A felony complaint² filed on March 21, 2018, alleged that Knudtson committed four counts of sodomy of a person under 18 years of age (Pen. Code, § 286, subd. (b)(1));³ oral copulation of a person under 18 (former § 288a, subd. (b)(1)); and contacting a minor with the intent to commit a sexual offense (§ 288.3, subd. (a)).

On April 30, 2018, as part of a negotiated disposition, Knudtson pled no contest to one count of sodomy with a person under 18 (§ 286, subd. (b)(1)) and to contacting a minor with the intent to commit a sexual offense (§ 288.3, subd. (a)). Prior to entering his plea, Knudtson was advised of and waived his rights to a jury or court trial and a preliminary hearing; to confront, cross-examine, and subpoena witnesses; to present a defense; and against self-incrimination. He was further advised of the

¹ Because Knudtson pled no contest prior to trial, we derive the facts from the probation report.

² The parties later stipulated that the complaint could be deemed an information.

³ All further undesignated statutory references are to the Penal Code.

consequences of the plea, including the immigration consequences. Knudtson confirmed that he was pleading freely and voluntarily because he believed it was in his best interest to do so, and no one had threatened him or made any additional promises to induce his plea. The trial court found the plea was freely and voluntarily made, and there was a factual basis for it. In accordance with the plea agreement, upon the People's motion the remaining four counts were dismissed.

At a sentencing hearing on June 6, 2018, the trial court sentenced Knudtson to two years eight months in prison, the sentence specified in the plea bargain. It imposed a \$300 restitution fine, a court operations assessment, a criminal conviction assessment, a sex offender fine, and penalty assessments. It ordered Knudtson to register as a sex offender, and awarded him 69 days of actual custody credit and 68 days of conduct credit, for a total of 137 days. The court also issued a protective order, pursuant to section 136.2, subdivision (i)(1), prohibiting Knudtson from contacting, harassing, or threatening the victim.⁴ Knudtson filed a timely notice of appeal.

⁴ The protective order provided that, for a period of 10 years, Knudtson must not “harass, strike, threaten, assault, follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance or block the movements of” the victim. It also prohibited him, inter alia, from contacting the victim or coming within 100 yards of him, and from possessing or attempting to purchase firearms or ammunition. (See §§ 136.2, subd. (i)(1), 290, subd. (c).)

DISCUSSION

After review of the record, Knudtson's court-appointed counsel filed an opening brief that raised no issues, and requested this court to conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We advised appellant that he had 30 days to submit by brief or letter any contentions or argument he wished this court to consider. We have received no response.

Pursuant to section 1237.5 and California Rules of Court, rule 8.304(b), a criminal defendant who appeals following a plea of no contest or guilty, without a certificate of probable cause, may only challenge the denial of a motion to suppress evidence or raise grounds arising after the entry of the plea that do not affect the plea's validity. (*People v. Johnson* (2009) 47 Cal.4th 668, 676–677; *People v. French* (2008) 43 Cal.4th 36, 43.) With respect to sentencing or post-plea issues that do not in substance challenge the validity of the plea itself, we have examined the record and are satisfied no arguable issues exist and Knudtson's attorney has fully complied with the responsibilities of counsel. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende*, *supra*, 25 Cal.3d at pp. 441–442.)

DISPOSITION

The judgment is affirmed.

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EDMON, P. J.

We concur:

EGERTON, J.

DHANIDINA, J.